



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/696,765                                | 10/25/2000  | Bob Lamoureux        | W0001-006001        | 3130             |
| 28089                                     | 7590        | 10/18/2005           | EXAMINER            |                  |
| WILMER CUTLER PICKERING HALE AND DORR LLP |             |                      | FISCHETTI, JOSEPH A |                  |
| 399 PARK AVENUE                           |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10022                        |             |                      | PAPER NUMBER        |                  |

3627

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,765

Applicant(s)

LAMOUREUX ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-10, 16-18, 24, 26 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-4, 8-10, 16-18, 24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Election/Restrictions*

Applicant's election without traverse of claims 33-35 in the reply filed on 5/24/05 is acknowledged. No arguments were advanced so the election is deemed to be without traverse.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipkin in view of Dorak.

Lipkin discloses making a first set of personal profiles available, each personal profile in the first set of personal profiles including a first set of values for a plurality of information fields, the plurality of information fields relating to commercial transactions (first set of values is read as meta data used by Match Agent 1302 and/or the Information Distributor template); receiving a second set of personal profiles, each personal profile in the second set of personal profiles including a second set of values for the plurality of information fields (second set of values read as web RDF data 1102 having metadata identifying the underlying information), based upon at least part of the first set of personal profiles and at least part of the second set of personal profiles making at least part of the second set of personal profiles available based upon the at least part of the first set of personal profiles and the at least part of the second set of personal profiles (Match

Art Unit: 3627

Agents and Information Distributor matches metadata and these agents cause web materials to be accessed).

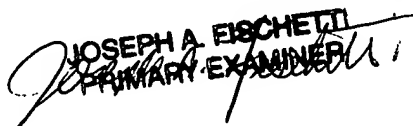
However, there appears to be no disclosure of receiving a request to enter into a trusted relationship, receiving a set of trusted relationship information, and making the set of trusted relationship information available whereby a commercial transaction is facilitated. However, Dorak discloses using a message (read as request to enter trusted relationship, e.g. enter digital content store) data in a meta data to uses name in metadata to (read as making trusted relationship data available to effect digital content acquisition.

The motivation for including a making a trusted relationship based on metadata is the ability to use data string which can be matched quickly to establish whether the transaction should occur.

Re claim 34: these steps are included in claim 33 and so the analysis is repeated in pertinent part.

RE claim 35: these steps are included in claim 33 and so the analysis is repeated in pertinent part. The trusted relationship information is sent in Dorak in the message with the user's identity.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

  
JOSEPH A. FISCHETTI  
PRIMARY EXAMINER

Joseph A. Fischetti  
Primary Examiner  
Art Unit 3627